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By: 

PATENT
Attorney Docket No. 018563-006700US
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

ERIC KUO

Application No.: 10/612,239

Filed: July 1, 2003

For: DENTAL APPLIANCE
SEQUENCE ORDERING
SYSTEM AND METHOD

Confirmation No. 3324

Examiner: WILSON, JOHN J.

Technology Center/Art Unit: 3732

REPLY BRIEF

Mail Stop Appeal Brief
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Appellant offers this Reply Brief in furtherance of the Examiner's Answer mailed
March 10, 2008.

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1. STATUS OF CLAIMS

Claims 1, 19-21, 27-29, and 37-48 are currently pending. Claims 2-18, 22-26, and 30-36 have been canceled. Currently pending claims 19-21, 27-29, and 37-48 stand rejected under 35 U.S.C. §103(a). Currently pending claims 19-21, 27-29, and 37-48 are the subject of this appeal.

Appellants gratefully acknowledge the withdrawal of the rejection of claims 45-46 under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the enablement requirement - see page 2 of Examiner's Answer, mailed 3/10/08 ("Examiner's Answer").

6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 19-21 and 48 were properly rejected under 35 U.S.C. §103(a) as being unpatentable over Chishti *et al.* (U.S. Patent No. 5,975,893) in view of Klein (U.S. Patent no. 4,038,753).

Whether claims 27-29 were properly rejected under 35 U.S.C. §103(a) as being unpatentable over Chishti *et al.* (U.S. Patent No. 5,975,893) in view of Klatt (U.S. Pub. No. 2003/0136698).

Whether claims 38 and 39 were properly rejected under 35 U.S.C. §103(a) as being unpatentable over Chishti *et al.* (U.S. Patent No. 5,975,893) in view of Wong *et al.* (U.S. Patent No. 6,206,695) and Rohlcke *et al.* (U.S. Patent No. 5,326,259).

Whether claims 40 and 41 were properly rejected under 35 U.S.C. §103(a) as being unpatentable over Chishti *et al.* (U.S. Patent No. 5,975,893) in view of Wong *et al.* (U.S. Patent No. 6,206,695) and Martin (U.S. Patent No. 6,884,071).

Whether claims 42 and 43 were properly rejected under 35 U.S.C. §103(a) as being unpatentable over Chishti *et al.* (U.S. Patent No. 5,975,893) in view of Wong *et al.* (U.S. Patent No. 6,206,695) and Martin (U.S. Patent No. 6,884,071) as applied to claim 40 above, and further in view of Morris *et al.* (U.S. Patent No. 5,923,001).

Whether claims 44 and 47 were properly rejected under 35 U.S.C. §103(a) as being unpatentable over Chishti *et al.* (U.S. Patent No. 5,975,893) in view of Wong *et al.* (U.S. Patent No. 6,206,695).

Whether claims 45 and 46 were properly rejected under 35 U.S.C. §103(a) as being unpatentable over Chishti *et al.* (U.S. Patent No. 5,975,893) in view of Wong *et al.* (U.S. Patent No. 6,206,695) as applied to claim 44 above, and further in view of Bates *et al.* (U.S. Patent No. 5,411,295).

7. ARGUMENT

In Section 9 of the Examiner's Answer, spanning pages 3-7, the Answer repeats the rejections that were previously made of record (see, e.g., Final Office Action, mailed 2/13/07; Advisory Action mailed 7/6/07). Since the rejections and arguments set forth in Section 9, pages 3-7, essentially repeat the rejections as previously made of record, and in the interest of administrative economy and efficiency, these repeated arguments will not be further addressed by Appellant in the present reply, but remain traversed for reasons previously made of record and set forth in Appellant's Appeal Brief.

In Section 10 of the Examiner's Answer, spanning pages 7-11, the Examiner has addressed remarks found in the Appellant's Appeal Brief. Appellants respectfully thank the Examiner for addressing various remarks set forth in Appellant's Appeal Brief. It appears, however, that the arguments set forth in Section 10 of the Examiner's Answer primarily re-state the positions of the Examiner that have already been made of record and that have been specifically addressed in Appellant's Appeal Brief. No new grounds of rejection have been presented and little, if any, new arguments have been advanced in the Examiner's Answer. As such, and in the interest of administrative economy and efficiency, these arguments will not be further addressed herein, but remain traversed for reasons previously made of record and set forth in Appellant's Appeal Brief.

8. CONCLUSION

For the reasons set forth above, it is respectfully submitted that the rejection should be reversed.

If for any reasons the Examiner believes a telephone conference would in any way expedite resolution of the issues raised in this Reply Brief, the Examiner is invited to telephone the undersigned at 206-467-9600.

Respectfully submitted,

Dated: _____

4/29/2008



Michael T. Rosato
Reg. No. 52,182

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 650-326-2400
Fax: 650-326-2422
61317031 v1